

SHERRELL GARY BRINKLEY,
 Petitioner,

 v.

 UNITED STATES OF AMERICA,
 Respondent.

THIS MATTER comes before the Court on petitioner's "Motion Authorizing Funds Transfer," filed November 27, 2006.

A review of the record of this matter reveals that on July 22, 2002, the petitioner filed a successive Motion to Vacate under 28 U.S.C. §2255. On August 14, 2002, this Court dismissed the subject motion, ultimately for the petitioner's failure to seek pre-filing authorization for that Motion.

The petitioner appealed that denial, but was unsuccessful in that pursuit. Thereafter, the petitioner filed Motions for reconsideration and for "rehearing" in this Court, but those Motions also were denied. Likewise, the petitioner appealed those denials, but his appeals were rejected.

Then, on October 13, 2006, the petitioner filed yet another appeal by which he seeks to challenge this Court's denial of his Motion to Reopen his habeas case. On November 3, 2006, the petitioner filed a Motion seeking permission to proceed with that

appeal in forma pauperis.

On November 7, 2006, this Court entered an Order granting in part and denying in part the petitioner's request for pauper status. More particularly, the Court's Order directed the petitioner to pay a partial filing fee of \$50.00.

Now, by the instant Motion, the petitioner is seeking to have this Court disburse to the Clerk of the Fourth Circuit Court of Appeals \$50.00 of the \$62.00 which this Court has on account for him. The petitioner's \$62.00 account balance with this Court was occasioned by his overpayment of the \$\$3,000 fine which was imposed in his underlying criminal case, 3:91CR131.

In any event, the petitioner is entitled to have the subject funds disbursed as he has requested. Accordingly, the instant Motion will be granted as below set forth.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The petitioner's Motion Authorizing Funds Transfer is **GRANTED;**

2. The Clerk of this Court shall disburse \$50.00 to the Clerk of the Fourth Circuit Court of Appeals as payment in COA No. 06-7755.

3. The Clerk shall refund the \$12.00 balance to the petitioner at his prison facility.

4. The Clerk shall send copies of this Order to the petitioner and to the Clerk of the Fourth Circuit Court of

Appeals.

SO ORDERED.

Signed: July 13, 2007

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

